

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

SHONN TERRENCE TIBBS,

Plaintiff,

v.

ROBERT C. BRYAN,

Defendant.

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NO. 3:19-cv-00998
JUDGE RICHARDSON

ORDER

Pending before the Court is a Report and Recommendation of the Magistrate Judge (Docket No. 11), to which no Objections have been filed.

The failure to object to a report and recommendation releases the Court from its duty to independently review the matter. *Frias v. Frias*, No. 2:18-cv-00076, 2019 WL 549506, at * 2 (M.D. Tenn. Feb. 12, 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 150 (1985)); *Hart v. Bee Property Mgmt.*, Case No. 18-cv-11851, 2019 WL 1242372, at * 1 (E.D. Mich. March 18, 2019) The district court is not required to review, under a *de novo* or any other standard, those aspects of the report and recommendation to which no objection is made. *Ashraf v. Adventist Health System/Sunbelt, Inc.*, 322 F. Supp. 3d 879, 881 (W.D. Tenn. 2018); *Benson v. Walden Security*, Case No. 3:18-cv-0010, 2018 WL 6322332, at * 3 (M.D. Tenn. Dec. 4, 2018). The district court should adopt the magistrate judge's findings and rulings to which no specific objection is filed. *Id.*

The Court has reviewed the Report and Recommendation and the file. The Report and Recommendation is adopted and approved.

Accordingly, Defendant's Motion to Dismiss (Doc. No. 2) ("Motion to Dismiss") is **GRANTED** in part (as to Plaintiff's federal claims) and **DENIED** in part (as to Plaintiff's state-law claims) without prejudice to that portion of the Motion to Dismiss being refiled in state court. Plaintiff's federal claims are **DISMISSED with prejudice**.

Plaintiff's Motion to Remand (Doc. No. 5) is **DENIED**.¹

The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims. 28 U.S.C. § 1367(c)(3). For the reasons stated in the Report and Recommendation (not for the reasons raised by Plaintiff), this action, which now includes only state-law claims, is remanded to the Circuit Court for Wilson County, Tennessee.

The Clerk is directed to close the file. This Order shall constitute final judgment for purposes of Fed. R. Civ. P. 58.

IT IS SO ORDERED.



ELI RICHARDSON
UNITED STATES DISTRICT JUDGE

¹ Although the case will not be remanded based upon Plaintiff's motion to remand, it nevertheless will be remanded, as noted herein. As explained in the Report & Recommendation, remand is appropriate, but for reasons other than those asserted in Plaintiff's motion to remand.